

## 1 UNITED STATES DISTRICT COURT

## 2 DISTRICT OF NEVADA

3  
4 UNITED STATES OF AMERICA,

Case No.: 2:14-cr-364-JAD-GWF

5 Plaintiff,

6 v.

7 CLIFFORD JAMES SCHUETT,

Order  
(Docs. 157, 158, 159, 161, 163, 165)

8 Defendant.

9  
10 Defendant Clifford James Schuett is represented by counsel, and it has been repeatedly  
11 explained to him that the court will not consider motions that he files personally because Local Rule  
12 IA 10-6(a) states that “A party who has appeared by attorney cannot while so represented appear or  
13 act in the case. An attorney who has appeared for a party shall be recognized by the Court and all the  
14 parties as having control of the client’s case.” Mr. Schuett was reminded of this rule and the court’s  
15 practice during a hearing on February 17, 2015, and in more than a half dozen orders denying his  
16 personally filed motions. *See* Docs. 28, 38, 54, 58, 85, 91, 141, 152, 153.

17 Nevertheless, Mr. Schuett persists. Since my last reminder, he has personally filed another  
18 petition for writ of habeas corpus, a sixth request to postpone his sentencing, a motion for review of  
19 his medical issues, a motion for reconsideration, another motion for a new judge, and another motion  
20 to withdraw his guilty plea. Docs. 157, 158, 159, 161, 163.

21 I deny without prejudice each of these pro se motions because Mr. Schuett is represented by  
22 counsel. Although he states that his lawyer refuses to file his motions on his behalf, leaving him no  
23 choice but to file them himself (over and over again making the same arguments that have been  
24 many times rejected by this court), I remind Mr. Schuett yet again that his lawyer is an officer of this  
25 court with responsibilities to file only meritorious, properly supported motions. Her job is not  
26 merely to be his scribe and file anything he wants her to file. She is bound by the rules and  
27 procedures of this court, and she must independently evaluate whether she may and should file the  
28 motions that Mr. Schuett desires. **If Mr. Schuett believes he requires some sort of action from**

1   **this court, he must consult with his lawyer, Rebecca Levy, Esq., who may then file the**  
 2   **appropriate motion. I will continue to deny motions he personally files (instead of having his**  
 3   **lawyer file them) because he has a lawyer who can file appropriate motions on his behalf.**

4           Mr. Schuett's petition for writ of habeas corpus is also denied for the additional, independent  
 5   reason that this prosecution is not the appropriate venue for seeking habeas relief. I have informed  
 6   Mr. Schuett of this procedural defect many times (*see, e.g.*, Docs. 116, 153), and I know that he  
 7   understands this because he has filed three other matters in this court based on the very same  
 8   allegations in his most recent petition. *See* Doc. 157 and *compare with* 14-cv-0131-JAD-PAL  
 9   (*Bivens* action dismissed; appeal dismissed); 14-cv-1645-JAD-CWH (*Bivens* action, claims  
 10   dismissed with leave to amend; appeal pending); and 15-cv-253-RFB-GWF (habeas petition  
 11   pending).

12          His renewed request to withdraw his guilty plea (Doc. 165) is also denied for the very same  
 13   reasons I rejected this request previously. *See* Doc. 116. Mr. Schuett has not persuaded me that my  
 14   prior order should be reconsidered. I maintain that his plea was knowing, intelligent, voluntary, and  
 15   supported by a sufficient factual basis, and I intend to proceed with his sentencing hearing on April  
 16   7, 2015, a date Mr. Schuett agreed to when we were in court just last month.

17          Finally, in addition to filing motions on a near-daily basis despite his representation by  
 18   counsel, Mr. Schuett also continues to send letters to the court. *See, e.g.*, 14, 41, 45, 48, 56, 62, 67,  
 19   69, 86-88, 97, 99, 106, 112, 122, 124, 125, 135, 139, 148, 155, 156, 162, and 166. Mr. Schuett is  
 20   reminded again (*see* Doc. 152 (minutes)) that the court will not respond to, or consider requests for  
 21   relief presented in, letters. Requests for relief must be presented by motion filed by counsel for Mr.  
 22   Schuett because he is represented by counsel. Mr. Schuett is reminded that letters to the judge will  
 23   be disregarded and requests for relief contained in letters will not be acted upon.

24          Accordingly, IT IS HEREBY ORDERED THAT defendant Clifford James Schuett's:

- 25           • Petition for Writ of Habeas Corpus (**Doc. 157**) is DENIED without prejudice;
- 26           • Motion to Postpone Sentencing (**Doc. 158**) is DENIED;
- 27           • Motion for Review of Medical Issue (**Doc. 159**) is DENIED;
- 28           • Motion for District Judge to Reconsider (**Doc. 161**) is DENIED;

- Motion for Change of Judge Due to Conflict of Interest (**Doc. 163**) is DENIED;
- Motion to Withdraw Guilty Plea is (**Doc. 165**) is DENIED.

IT IS FURTHER ORDERED THAT counsel for Mr. Schuett, **Rebecca Levy, Esq.**, with the **Federal Public Defender's Office**, is hereby directed to provide Mr. Schuett with a copy of this order and to file a notice with the court confirming that Mr. Schuett was provided with a copy of this order.

DATED March 18, 2015.

JENNIFER A. DORSEY  
UNITED STATES DISTRICT JUDGE